

1 AN ACT concerning hypnosis.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Hypnosis Consumer Protection Act.

6 Section 5. Purpose and findings.

7 (a) The use of hypnotism as a helpful practice to  
8 increase self-control and to improve personal productivity is  
9 well documented in numerous studies. The Illinois General  
10 Assembly has recognized in the past that hypnotism for  
11 nontherapeutic purposes is a lawful activity by unlicensed  
12 persons and has exempted such persons from the requirement  
13 for psychological licensure as there is no demonstration that  
14 their practice poses an imminent risk of significant harm to  
15 the public's health and safety. Notwithstanding this  
16 exemption, some providers of hypnotism services have held  
17 their services out to the public in technical compliance with  
18 the law, but using titles, representations, or academic  
19 degree designations that could lead reasonable persons to  
20 believe that the provider was a licensed health care  
21 practitioner able to treat, diagnose, or prescribe. This has  
22 resulted in confusion among the public as to the appropriate  
23 limits of practice of an unlicensed person, uncertainty in  
24 how to weigh advice given by such persons, and unfair  
25 marketing practices by some providers at the expense of those  
26 who are careful to hold services out to the public in a  
27 manner that is not deceptive.

28 (b) The General Assembly finds that the unlicensed  
29 practice by persons providing nontherapeutic hypnotism  
30 services is not harmful to the public's health and safety.  
31 The General Assembly intends, by passage of this Act, to

1 allow public access to nontherapeutic hypnotism services and  
2 to protect the public from unlicensed providers of hypnotism  
3 services who hold themselves out to the public in a deceptive  
4 or misleading manner or who seek to increase their authority  
5 with consumers by using bogus or unaccredited academic  
6 degrees.

7 Section 10. Nontherapeutic practice of hypnotism;  
8 violation.

9 (a) Nothing in this Act shall be construed to limit the  
10 activities and services provided by a person legally  
11 regulated in this State by any other Act from engaging in the  
12 practice of hypnotism if the regulatory Act governing the  
13 person contains a scope of practice that might reasonably be  
14 interpreted to include the use of hypnotism.

15 (b) Notwithstanding any other provision of law, a person  
16 who is not otherwise licensed to provide some form of health  
17 care by a valid Illinois regulatory Act and who provides  
18 hypnotism services in accordance with this Section shall not  
19 be in violation of any of the health care profession practice  
20 Acts and shall be deemed to be engaged in the nontherapeutic  
21 practice of hypnotism, unless that person does any of the  
22 following:

23 (1) Willfully diagnoses or independently treats a  
24 physical or mental illness of any person and thereby  
25 causes an imminent risk of significant bodily injury,  
26 significant physical or mental illness, or death.

27 (2) Conducts surgery or any other procedure on any  
28 person that punctures the skin.

29 (3) Prescribes or administers x-ray radiation to  
30 any person.

31 (4) Prescribes or administers legend drugs or  
32 controlled substances to any person.

33 (5) Recommends to any person the discontinuance of

1 legend drugs or controlled substances prescribed by a  
2 licensed physician or the discontinuance of mental health  
3 care provided by a licensed health care practitioner.

4 (6) Holds out, states, indicates, advertises, or  
5 implies to any person that he or she is an Illinois  
6 licensed health care professional.

7 Section 15. Disclosure; advertising.

8 (a) An unlicensed person providing hypnotism services  
9 shall, prior to providing those services, disclose to the  
10 client in a plainly-worded written statement all of the  
11 following:

12 (1) That he or she is not a physician or an  
13 Illinois licensed health care practitioner.

14 (2) The nature of the services to be provided and  
15 the theory upon which the services are based.

16 (3) The academic or professional degrees held,  
17 including the accreditation or lack of accreditation of  
18 such degrees by an agent recognized by the United States  
19 Department of Education.

20 (4) His or her training, experience, credentials,  
21 or other qualifications regarding the hypnotism services  
22 being provided, including whether or not such training  
23 was obtained from a school that has been approved by the  
24 State to offer such training or from a school in another  
25 state that has licensure, accreditation, or approval that  
26 is at least as rigorous from its state government.

27 (5) That the consumer of hypnotism services has the  
28 right to continuity of care, the right to refuse services  
29 at any time, the right to be free of physical, verbal, or  
30 sexual abuse, the right to know the expected duration of  
31 services and the costs of those services, and that the  
32 client may assert any right without retaliation.

33 (b) An unlicensed person providing hypnotism services

1 shall obtain a written acknowledgement from the client  
2 stating that he or she has been provided with the information  
3 described in subsection (a), which shall be maintained by the  
4 person providing the services for 3 years. The client shall  
5 be provided with a copy of this written acknowledgement.

6 (c) An unlicensed person providing hypnotism services  
7 shall state in any advertisement that he or she is not an  
8 Illinois licensed health care practitioner.

9 Section 25. Violations; civil penalty.

10 (a) An unlicensed person providing hypnotism services in  
11 violation of Section 15 or engaging in the activities listed  
12 in subsection (b) of Section 10 of this Act shall, in  
13 addition to any other penalty provided by law, pay a civil  
14 penalty to the Department of Professional Regulation in an  
15 amount not to exceed \$5,000 for each offense as determined by  
16 the Department. The civil penalty shall be assessed by the  
17 Department after a hearing is held in accordance with the  
18 procedures set for in the Illinois Administrative Procedure  
19 Act.

20 (b) The Department has the authority and power to  
21 investigate any violation of this Act.

22 (c) The civil penalty shall be paid within 60 days after  
23 the effective date of the order imposing the civil penalty.  
24 The order shall constitute a judgment and may be filed and  
25 execution had thereon in the same manner as any judgment from  
26 a court of record.

27 Section 30. Application. Nothing in this Act or in any  
28 of the Acts licensing health care professions shall be  
29 construed to prohibit the practice of nontherapeutic  
30 hypnotism services in compliance with this Act by persons not  
31 licensed to practice a health care profession.